



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,986	11/26/2003	Giuseppe Dal Pra'	CAM3-PT037.1	9023

3624 7590 03/22/2005

VOLPE AND KOENIG, P.C.  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER
----------

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
----------	--------------

3682

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/722,986

Applicant(s)

DAL PRA', GIUSEPPE

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-21 is/are allowed.
- 6) ☒ Claim(s) 1,22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/994,718.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-22-04 *NOT CONSIDERED*
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to the amendment filed 12/22/2004, which has been entered.

Claims 1-23 are currently pending.

#### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 12-22-2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US patent no 6, 685,586 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed 12-22-2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

In addition, the serial number (10/722,989) on the IDS does not match the present application serial number (10/722,986).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP (0413053) in view of JP ('04222865). EP ('461053) discloses a rocker assembly for a rear derailleur comprising an inner and outer plate (2, 3), a pair of idler wheels (1) between the plates and intended to cooperate with a chain of bicycle and the inner plate is made from a metallic material, a wheel (6) mounted on a pin (2b). EP('461053) does not disclose that the outer plate (3) is made structural fiber fabric incorporated in a plastic material matrix. JP ('04222865) discloses a material made of a fiber fabric in combination with a thermoplastic matrix and subjected to compression molding in order to produce a lightweight structure, that is non-easily contaminated due to exposure to undesirable atmospheric elements and to obtain uniform shape and properties throughout the structure. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the outer plate of EP ('461053) so that it is made from fiber fabric in combination with a thermoplastic matrix and subjected to compression molding in view of JP ('04222865) in order to produce a lightweight structure, that is non-easily contaminated due to exposure to undesirable atmospheric elements and obtain uniform shape and properties throughout the structure.

4. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juy (3,910,136) in view of EP ('461053). Juy discloses the claimed invention including the outer plate made out of plastic with reinforced material and the plate has a cross-sectional channel profile. Juy does not disclose the outer plate is made from fiber compression molded fabric sheets. It is well known in the art to combine plastic with reinforced fiber in compressed molded fabric sheet in order to improved strength while

maintaining reduced weight. EP ('461053) discloses the claimed invention above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the outer plate of EP ('461053) so that it is made from fiber fabric in combination with a thermoplastic matrix and subjected to compression molding in view of JP ('04222865) in order to produce a lightweight structure, that is non-easily contaminated due to exposure to undesirable atmospheric elements and obtain uniform shape and properties throughout the structure.

In addition, Juy does not disclose the fiber compression molded fabric comprises a plurality of sheets. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the outer plate with several molded sheets in order to increase strength and it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S.164 (1893).

#### ***Allowable Subject Matter***

5. Claims 2-21 are allowed.

#### ***Response to Arguments***

6. Applicant's arguments filed 12-22 2004 have been fully considered but they are not persuasive. In response to applicant argument that reference is in appropriate and the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account

Art Unit: 3682

only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

*M. Charles*  
MARCUS CHARLES  
PRIMARY EXAMINER  
March 15, 2005